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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,046	09/15/2006	Manfred Rietzler	SMT-003	7284
42532	7590	01/16/2009		
PROSKAUER ROSE LLP ONE INTERNATIONAL PLACE BOSTON, MA 02110			EXAMINER WILLIAMS, MARK A	
			ART UNIT 3673	PAPER NUMBER
			MAIL DATE 01/16/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/593,046

Applicant(s)

RIETZLER, MANFRED

Examiner

MARK A. WILLIAMS

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6 and 8-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3, 5, 6 and 8-19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 15 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/888)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3, 5, 6, and 8-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is not fully understood in the context of the claim language what exactly is meant by “the antenna device being parallel connected to the external circuit bridge”. By what structure is this achieved?

In claim 3, it is unclear if “an energy supply device” is the same of claim 1, or a different energy supply device.

Claims 5 and 8 appear to be inconsistent with claim 1, since claim 1 states that the bridge is connected “parallel” to the antenna device, and claims 5 and 8 both states that it is connected in “series”. This appears to be a contradiction.

In claims 5 and 8, it is not fully understood in the context of the claim language what exactly is meant “connected in series”. By what structure is this achieved?

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “external energy supply device” of claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be

notified and informed of any required corrective action in the next Office action.

The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5, 6, and 8-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leck et al, US Patent 6,420,971, in view of Maloney, US Patent 6,958,698.

Leck provides a seal device comprising a seal body 2 comprising a data carrier including a data transmission device (22, 24, 26), the data carrier being designed as a switching circuit; and an attachment device for the captive attachment of the seal body to an object to be sealed, one end of the attachment device being connected in a single piece with the seal body and another end of the attachment device comprising, as best understood, a joining device for non-positive joining to a connection device provided on the seal body; wherein the switching circuit of the seal body includes an external circuit bridge 6 for

connecting two connection points of the switching circuit lead through the attachment device. The switching circuit comprises an integrated circuit, and the external circuit bridge comprises a wire-shaped conductor. The switching circuit is connected to an energy supply device 20 that is integrated in the seal device, and the data transmission device is made from a data access contact 26 arrangement that is arranged on the outside of the seal body. The attachment device is constructed as a wire conductor. The attachment device is made from a single-piece extension of the seal body (since together one piece is formed). The attachment device comprises a circuit bridge that is formed from a conductive plastic. In order to form the circuit bridge the attachment device comprises a multitude of electrically conductive fibers. In order to form the circuit bridge the attachment device comprises a multitude of electrically conductive fibers. In order to form the circuit bridge the attachment device comprises a multitude of electrically conductive fibers.

Leck provides the claimed invention except explicit teaching of an antenna device, as claimed. However, it is old and well known in the art of such seal devices to use antenna devices to transmit desired data. Maloney teaches the general use of an antenna device in similar seal structure. It would have been obvious at the time the invention was made for one of ordinary skill in the art to

modify the device of Leck in this way, for the purpose of providing an alternative known means of transmission of data that would have functioned at least equally as well.

Regarding the limitation of the antenna being oriented parallel to the bridge, as best understood, such a limitation is considered obvious, since inherently at least part of the surface of the antenna would at least be partially parallel to at least part of a surface of the bridge.

Regarding the antenna being both a data transmission device, as well as a connection to an external energy supply device, an antenna is inherently a data transmission device; and it is common to connect antenna to a power source, which may include a battery power source as in a portable device (such a remote key unit), for powering the device as known in the art. Such a modification is obvious to one of ordinary skill in the art.

Regarding claims 5-7 and 9, as best understood, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device in these ways, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Such modifications are not critical to the design and would have produced no unexpected results.

Regarding claim 8, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device in this way, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Such modifications are not critical to the design and would have produced no unexpected results.

Response to Arguments

6. Applicant's arguments filed 7/11/08 have been fully considered but they are not persuasive.

Applicant argues that the applied art does not explicitly teach "the switching circuit further including an antenna device arranged in the seal body, the antenna device being used both as a data transmission device and as a connection to an external energy supply device, the antenna being parallel connected to the external circuit bridge", as claimed. However, the examiner disagrees. As outlined in the above rejection, an antenna is inherently a data transmission device; and it is common to connect antenna to a power source, which may include a battery power source as in a portable device (such a remote control key unit), for powering the device as known in the art. Such a modification is obvious to one of ordinary skill

in the art. Regarding the limitation of the antenna being oriented parallel to the bridge, it is the position of the examiner that such a limitation is considered obvious, since inherently at least part of the surface of the antenna would be oriented at least partially parallel to at least part of a surface of the bridge.

Applicant argues that the applied art does not provide the antenna as being an energy supply. However, the claims do not require that the antenna is an energy supply, but that it is connected to an external energy supply device. The claims as written are considered obvious as outlined above.

Conclusion

This action is non-final.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Williams whose telephone number is (571) 272-7064. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patricia L Engle/
Supervisory Patent Examiner, Art Unit 3673

/Mark Williams/
11/6/08

Application Number**Application/Control No.**

10/593,046

**Applicant(s)/Patent under
Reexamination**

RIETZLER, MANFRED

Examiner

MARK A. WILLIAMS

Art Unit

3673